

Appendix D: PUBLIC COMMENTS & RESPONSE FOR THE MAINE STATEWIDE BACTERIA TMDL: 2013 FRESHWATER ADDENDUM, AUGUST 2013 DRAFT

From: kb [kimbark.smith@myfairpoint.net]
Sent: Sunday, November 03, 2013 9:45 AM
To: Evers, Melissa
Cc: 'kb'
Subject: Goosefare Brook

Dear Ms. Evers,

As a resident of the Ocean Park section of Old Orchard Beach and a member of the Conservation Commission, I am very concerned about the pollution that has been identified by the testing results of Maine Beaches on the lower Goosefare Brook and the feeder Marshes located around Ocean Park as well as the management of the Tide Gate feeding our Marshes. The lack of higher salinity being seen in the Marshes is causing penetration of fresh water species and invasives.

With the hiring of the new Town Manager, the Town finally has an active campaign to try and locate the sources of pollution, although The Town knew that there were pollution issues in these feeder areas for years. While this is a positive development, I believe that the lower Goosefare should also be included the Restoration of Streams Impaired by NPS Bacteria project of the upper Goosefare and the whole of the Goosefare watershed should be added to the watch list . This issue is too important to be left to the vagaries of the politics of Town elections and the continual changing of priorities depending on the time of year.

Sincerely yours,
Kimbark G. Smith

DEP Response:

Dear Mr. Smith,

Thank you for your concern regarding pollution in Goosefare Brook and the Ocean Park sections of Old Orchard Beach, your observations are relevant to ongoing assessment efforts. This TMDL covers the freshwater segment of Goosefare Brook because this segment is on DEP's list of impaired waters, the 303 D list. The lower Goosefare is tidal and falls under water quality standards designated for Maine's marine waters, which are different from the freshwater criteria and means using a different sampling approach to determine impairment status. Generally, the impairment designation is the precursor to any restoration work or TMDL assessment. At this time, DEP has not conducted any specific marine assessments that would support the impairment listing, but we may consider using Maine Healthy Beaches data for that purpose in the future. I would be glad to further discuss the process surrounding listing marine water as impaired at any time, so please call me at 207-215-3879.

Sincerely,

*Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection*

From: Deborah Guimont [debguimont@hotmail.com]
Sent: Monday, November 04, 2013 10:57 AM
To: Evers, Melissa
Subject: Goosefare Creek

I am writing to you in support of your expansion of pollution monitoring to the entire Goosefare Creek area. As a long time resident of Ocean Park, I know that water quality in the marsh is important to the entire community.

Sent from my iPad

DEP Response:

Dear Ms. Guimont,

*Thank you for your support of this TMDL and concern regarding pollution monitoring in Goosefare Brook and the Ocean Park section of Old Orchard Beach.
Sincerely,*

*Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection*

From: Marc Guimont [marcguimont@gwi.net]
Sent: Monday, November 04, 2013 11:08 AM
To: Evers, Melissa
Subject: Goosefare Creek

Ms. Evers,
The Goosefare estuary in Old Orchard Beach is critical to the environmental health of our Ocean Park community and our Town. I hope you will be able to identify the source/sources of the Goosefare Creek pollution and stop it.
Sincerely,
Marc Guimont, PE.

Sent from my iPad

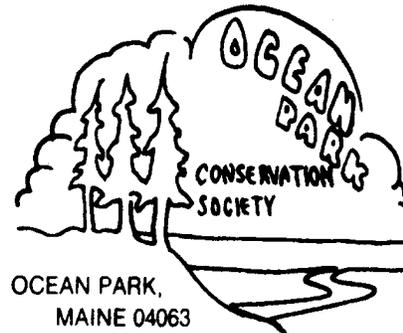
DEP Response:

Dear Mr. Guimont,

Thank you for your support of this TMDL and monitoring in Goosefare Brook. Even with the TMDL assessment completed, DEP will continue monitoring in the watershed to help identify and eliminate sources.

Sincerely,

*Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection*



November

20, 2013

Melissa Evers
Maine Department of Environmental Protection,
State House Station #17,
Augusta, ME 04333,
Telephone 207-215-3879
Email: melissa.evers@maine.gov

Re: COMMENTS ON BACTERIA TMDLs on 3 streams to be added to the USEPA approved 2009 Maine Statewide Bacteria TMDL (Total Maximum Daily Loads) Report (<http://www.maine.gov/dep/water/monitoring/tmdl/tmdl2.html>).

Greetings:

The Ocean Park Conservation Society is a non-profit, community organization founded in 1971 to foster, preserve, conserve and promote the natural physical beauty and setting of Ocean Park and its surroundings and to provide education in the ideals and goals of conservation.

We are now, and have been, very active in trying to help the Goosefare Brook and its problems for over forty years. We have commissioned and done several studies on the Goosefare, its tributaries, waters and marshes on our own and with Maine Healthy Beaches and the Maine State Department of Environmental Protection.

We are deeply concerned with the quality of our immediate environment and particularly the waters of the Goosefare which we share with Saco and which run along our shore.

We are very pleased to hear that the Maine State DEP intends to add the Goosefare Brook to the USEPA approved 2009 Maine Statewide Bacteria TMDL (Total Maximum Daily Loads) Report to plan for the clean-up and positive future of the Goosefare Brook and we enthusiastically support this addition, and fervently hope that it will be accepted.

Thank you,

John R. Bird, President

The Ocean Park Conservation Society

DEP Response:

Dear Mr. Bird,

Thank you for your support of this TMDL on Goosefare Brook and all your work to help address sources of pollution in the watershed. This TMDL is one step in the larger process to restore Goosefare Brook and protect the downstream receiving waters, such as the Ocean Park section of Old Orchard Beach.

Sincerely,

*Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection*

From: Mark Koenigs [mdkoenigspe@hotmail.com]
Sent: Wednesday, December 04, 2013 9:24 AM
To: Evers, Melissa
Cc: lmead@oobmaine.com; jhinderliter@oobmaine.com; John R. Bird; Kimbark Smith; Karen Brozek; Pat Holland; Jean Leclerc
Subject: Comments on Bacteria TMDLs Report

Importance: High

Attachments: OOB CC_Goosefare Brook listing support letter_12.4.13.pdf

Ms. Evers,

Please find attached the Old Orchard Beach Conservation Commission's comment letter regarding the BACTERIA TMDLs on 3 streams to be added to the USEPA approved 2009 Maine Statewide Bacteria TMDL (Total Maximum Daily Load) Report - 2013 Freshwater Addendum. Our comments are specific to the water quality of Goosefare Brook, it's watershed and receiving tidal waters. We support listing the entire Goosefare Brook on the watch list. We also support the current work by Old Orchard Beach to identify the sources or contributing sources of waste in the Goosefare watershed and the Saco's grant application to fund further identification of upper Goosefare sources.

Please confirm you have received the attached letter via email and that it will be included in the report comments and response section.

Thank you for your service and dedication to protecting our environment.

Regards,

Mark Koenigs
OOB Conservation Commission Secretary
(207) 286-4929

Old Orchard Beach Conservation Commission
1 Portland Avenue
Old Orchard Beach, ME 04064

December 4, 2013

via E-mail

Maine Department of Environmental Protection,
State House Station #17,
Augusta, ME 04333
Attn: Ms. Melissa Evers, Environmental Specialist

Subject: Goosefare Brook, Old Orchard Beach, Maine Report No.: DEPLW-1254, August 2013

Re: Comments to the 2013 Freshwater Addendum to 2009 Maine Statewide Bacteria TMDL Report

Dear Ms. Evers,

The Old Orchard Beach Conservation Commission is very concerned about the pollution of the Goosefare Brook that has been documented by various testing reports including the most recently referenced 2013 Freshwater Addendum to 2009 Maine Statewide Bacteria Total Maximum Daily Loads (TMDL) Report. The pollution as evidenced by the high bacterial levels found in the upper and lower Goosefare freshwater along with that of the Ocean Park wetlands and marshes must be addressed and monitored for improvement. The past extreme high levels of bacteria counts measured by Maine Healthy Beaches documents the persistent contamination that makes the Goosefare Brook tidal waters unhealthy for human recreational contact during the peak summer season.

The Old Orchard Beach Conservation Commission strongly supports the listing of the Goosefare Brook to the Maine Statewide Bacteria TMDL Report. Our report comment/question which requires a thorough response is as follows: When and how will the State of Maine, the communities of Saco, and Old Orchard Beach work together to improve the water quality of the Goosefare Brook watershed by jointly implementing a strategic and systematic sampling and testing program to identify the sources of pollution, and then eliminate them through improvements and remediation projects? The 2009 TMDL Report has identified the impairment. In 2014, it is time to find the sources causing the impairment and immediately start to repair Goosefare Brook.

Sincerely,

Mark Koenigs

Mark Koenigs, Secretary
Old Orchard Beach Conservation Commission

cc: Larry Mead, OOB Town Manager
Jeffrey Hinderliter, Town Planner
OOB Conservation Commission Members

DEP Response:

Dear Mr. Koenig,

Thank you for your support of this TMDL and concern regarding bacterial pollution in Goosefare Brook. The answer to your question on partnerships, strategic planning and remediation projects is the watershed planning project that is currently underway on Goosefare. In 2014 the city of Saco received a DEP 319 NPS Grant to spearhead this effort and has begun the challenging work of identifying problems along and appropriate solutions. The monitoring and planning efforts associated with this grant project are designed to lead to improvements in the watershed.

Sincerely,

*Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection*

From: Christine Rinehart [christine.rinehart@wright-pierce.com]
Sent: Monday, December 09, 2013 12:13 PM
To: Evers, Melissa
Cc: Ryan Wingard
Subject: RE: Bacteria TMDL Addendum

Melissa,

Thank you for giving me the opportunity to provide comment on the Maine Statewide Bacteria TMDL: 2013 Freshwater Addendum.

1. Introduction: Why is it that Goosefare Brook is being included in this Addendum when it is only preliminarily listed on the Draft DEP's 2012 Integrated Water Quality Monitoring and Assessment Report, and the Report lists it with a TMDL priority of 2015.
2. Table 2 (page 4): For Class B and C streams, the standard lists "E. coli of human and domestic animal origin..." with a footnote of "this means that all E. coli of wildlife origin meet existing water quality standards". How does the state determine if water is meeting the standard, for instance, how does the State differentiate between human and domestic animal vs. wildlife E. coli?
3. Section Public Participation (page 5): What is the date the draft was made available to the public?
4. Bacteria TMDL Summary Goosefare Brook (Section 2.2): The TMDL acknowledges that there are high E. coli readings during wet weather flows. How was the fact that Site SGS01 (site used to calculate the reductions) is also immediately downstream of the Bear Brook tributary, which is the receiving water of one of Saco's combined sewer overflows (CSOs) taken into consideration?
5. Bacteria TMDL Summary Goosefare Brook: Table 2.1 2011 and 2012 sampling results. The May 10, 2012 data point is outside of the State's standard, which applies between May 15 and September 30. Why is data collected outside of this range used in calculating the geometric mean?
6. Bacteria TMDL Summary Goosefare Brook: Table 2.1 2011 and 2012 sampling results. All of the data readings are abnormally high as compared to other readings. Was any consideration given to possible causes for such a spike in the results (other than this was a wet weather event). Could there been an issue with the way the sample was collected? What type of quality control was used?
7. Bacteria TMDL Summary Goosefare Brook (Section 2.3): The recommendations state "a systematic investigation of contaminated sites will either reveal a direct human or domestic animal source that can be remediated or substantiate that bacterial contamination is solely from wildlife sources and natural processes". What happens if the bacterial contamination is solely from wildlife sources or it is found that certain sample locations have high readings associated with wildlife sources?

Thanks,

Christine

DEP Response:

Dear Ms. Rinehart,

Thank you for reviewing the Goosefare TMDL.

1. *DEP had been monitoring Goosefare in conjunction with a Maine Healthy Beaches project to look at problems that may influence local beaches. Therefore the data was available to complete the TMDL and the TMDL assessment could potentially aid pending watershed planning efforts. TMDL priority rankings in the 303 D List of DEP's Integrated Report are used for planning purposes and may change due to other considerations, like assisting with a 319 grant project.*
2. *DEP takes a conservative approach when applying bacterial standards to monitoring results. All results are considered of human or domestic origin unless there is significant information that indicates wildlife as the origin. Streams with forested watersheds generally meet standards; we generally observe exceedances in human altered landscapes.*
3. *The first draft was publically available on October 29, 2013.*
4. *This TMDL covers the Goosefare watershed upstream of the confluence with Bear Brook, SGS01 is above the confluence with Bear Brook.*
5. *Thank you for this observation; I have altered Table 2.1 on page 19 to exclude the May 10th date and recalculated the TMDL on page 20. I have also changed the West Branch Sheepscot data and TMDL to exclude early dates in 2012. Bacteria data is collected for reasons beyond compliance monitoring for meeting water quality standards. Reasons include determining the extent of contamination or screening a site to determine if a problem exists and this data provides information, even outside of the prescribed dates.*
6. *The readings presented in Table 2.1 are considered normal for a developed watershed, such as Goosefare. The other two watersheds in this report are much more forested and the bacteria numbers often correspond to a development spectrum. Samples were analyzed according to quality protocols, using duplicates and blanks to corroborate results.*
7. *Sites where bacteria exceedances are attributed to wildlife will be designated as complying with Maine's water quality standards.*

Sincerely,

Melissa Evers
Environmental Specialist III
Maine Department of Environmental Protection
